

TITLE 16. Board of Optometry

NOTICE IS HEREBY GIVEN that the Board of Optometry is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at 400 R Street, Suite 4090, Sacramento, California, at 10:15 AM, November 19, 2003. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board of Optometry at its office not later than 5:00 p.m. on November 17, 2003 or must be received by the Board of Optometry at the hearing. The Board of Optometry, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by sections 3023.1 and 3059, Business and Professions Code, and to implement, interpret or make specific sections, 3059 of said Code, the Board of Optometry is considering changes to Division 15 of Title 16 of the California Code of Regulations as follows: Amendment of section 1536, Continuing Education.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Assembly Bill 2771 (Alpert, Chapter 328, Statutes of 1996) and Senate Bill 929 (Polonco, Chapter 676, Statutes of 2000) respectively changed the Board's license renewal cycle from annual to biennial and continuing education (CE) hourly requirements for therapeutic pharmaceutical agent (TPA) certified optometrists. This proposal establishes CE license renewal requirement changes relative to the biennial and TPA optometrist renewal cycles and associated policy CE changes in self-study and initial licensure exemptions.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None.

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination: None.

Impact on Jobs/New Businesses:

The Board of Optometry has determined that this regulatory proposal will not have any significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Board of Optometry is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board of Optometry has determined that the proposed regulations would not affect small businesses because these amendments propose to adopt regulatory language to conform with statutory changes that have already been implemented.

CONSIDERATION OF ALTERNATIVES

The Board of Optometry must determine that no reasonable alternative is considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board of Optometry has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Optometry at 400 R Street, Suite 4090, Sacramento, California 95814.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

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|-----------------|--|
| Name: | Rex Farmer |
| Address: | 400 R Street, Suite 4090 Sacramento, CA 95814 |
| Telephone No.: | (916) 322-0961 |
| Fax No.: | (916) 445-8711 |
| E-Mail Address: | rex_farmer@dca.ca.gov |

The backup contact person is:

Name: Jane Flint
Address: 400 R Street, Suite 4090
Sacramento, CA 95814
Telephone No.: (916) 323-8720
Fax No.: (916) 445-8711
E-Mail Address: jane_flint@dca.ca.gov

Website Access:

Materials regarding this proposal can be found at www.optometry.ca.gov

California Code of Regulations Section 1536
Proposed Change: Conforming TPA and Biennial Renewal Language,
Clarify Self-Study Alternatives and Continuing Education
Requirements

Article 6.5. Continuing Optometric Education

1536. Continuing Optometric Education; Purpose and Requirements.

~~The purpose of this Article is to implement Section 3059 of the Business and Professions Code as added to said code by Chapter 403 of the Statute of 1974 and amended by Chapter 770 of the Statute of 1987.~~

(a) ~~In addition to all other lawful requirements for renewal of optometric licenses in an active status,~~ Except as otherwise provided in Section 1536(b), each licensee shall complete ~~20-40~~ hours of formal continuing optometric education course work within the two years immediately preceding the renewal deadline. Such course work shall be subject to ~~board~~Board approval. No more than ~~four-eight~~ hours of course work shall be in the area of patient care management. Courses dealing with business management shall not be approved.

(b) An optometrist certified to use therapeutic pharmaceutical agents pursuant to Business and Professions Code Section 3041.3 shall complete a total of 50 hours of continuing education every two years in order to renew his or her certificate. Thirty-five of the required 50 hours of continuing education shall be on the diagnosis, treatment, and management of ocular disease as follows: 12 hours on glaucoma, 10 hours on ocular infections; five hours on inflammation and topical steroids; six hours on systemic medications and two hours on the use of pain medications.

~~(bc)~~ A total of one-half of the Up to 20 hours of required ~~annual~~biennial course work ~~(10 hours) and no more~~ may be accomplished by using any or all of the following alternative methods:

(1) ~~Credit for d~~Documented and accredited self study (i.e. review of written, audio or video tape material or combination) will be given at the ratio of one hour of credit for every two hours spent in such self studythrough correspondence or an electronic medium.

(2) ~~Credit for t~~Teaching of continuing optometric education courses may be granted if attendance at such course would also qualify for such credit, providing none are duplicate courses within the ~~one~~two-year period.

(3) ~~Credit for w~~Writing articles that have been published in optometric journals, magazines or newspapers, pertaining to the practice of optometry (or in other scientific, learned, refereed journals on topics pertinent to optometry)~~may be granted,~~ providing no articles are duplicates, ~~at the ratio of .~~One hour of credit will be granted for each full page of printing or the equivalent thereof.

~~(4) Video and/or audio courses pertaining to the practice of optometry with hours of credit specified.~~

~~(ed)~~ A credit hour is defined as one classroom hour, usually a 50-minute period, but no less than that.

(~~de~~) Continuing optometric education programs which are approved as meeting the required standards of the ~~board~~Board include the following:

(1) Continuing optometric education offerings officially sponsored or accredited by any accredited school or college of optometry.

(2) Continuing optometric education offerings of any national or state affiliate of the American Optometric Association, the American Academy of Optometry, or the Optometric Extension Program.

(3) Continuing optometric education offerings approved by the ~~International Association of Boards of Examiners in Optometry~~ Association of Regulatory Boards of Optometry known as COPE (Council on Optometric Practitioner Education).

(~~ef~~) Other educational programs approved by the ~~board~~Board as meeting the criteria as set forth in (f) below, after submission of a program, schedule, topical outline of subject matter, and curriculum vitae of all instructors involved, to the Executive Officer of the ~~board~~Board not less than 45 days prior to the date of the program. The ~~board~~Board may, upon application of any licensee and for good cause shown, waive the requirement for submission of advance information and request for prior approval. Nothing herein shall permit the ~~board~~Board to approve of an educational program which has not complied with the criteria set forth in paragraph (f) below.

(~~fg~~) The criteria for judging and approving education programs by the ~~board~~Board for continuing optometric education credit will be determined on the following basis:

(1) Whether the program is likely to contribute to the advancement of professional skill and knowledge in the practice of optometry.

(2) Whether the speakers, lecturers and others participating in the presentation are recognized by the ~~board~~Board as being qualified in their field.

(3) Whether the proposed course is open to all optometrists licensed in this State.

(4) Whether the provider of any mandatory continuing education course agrees to maintain and furnish to the ~~board~~Board and/or attending licensee such records of course content and attendance as the ~~board~~Board requires, for a period of at least three years from the date of course presentation.

(~~gh~~) Proof of attendance at continuing education programs shall be provided in a form and manner specified in writing by the ~~board~~Board and distributed to all licensed optometrists in this state. Certification of attendance at continuing education courses shall be submitted by the licensee to the Executive Officer or his/her designee upon request, and shall contain the following minimal information:

(1) The name of the sponsoring organization.

(2) The name, signature, practice address, ~~social—security number~~ and license number of the attending licensee.

(3) The subject or title of the educational program.

(4) The number of hours in actual attendance.

(5) The date of the educational program.

(6) The location of the educational program.

(7) The name(s) of the course instructor(s).

(8) Such other evidence of course content or attendance as the ~~board~~Board may deem necessary.

Use of a ~~board~~**Board**-specified certificate form is recommended for any educational programs approved by the ~~board~~**Board** pursuant to the above. Such forms will be furnished by the Executive Officer on request.

(~~h~~**i**) The following licensees shall be exempt from the requirements of this section.

(1) Any licensee serving in the regular armed forces of the United States during any part of the ~~12~~**24** months immediately preceding the annual license renewal date.

(2) Those licensees as the ~~board~~**Board**, in its discretion, determines were unable to attend sufficient hours of continuing optometric education courses due to illness, incapacity, or other unavoidable circumstances.

(3) Any licensee who was first licensed by examination and graduated less than a year from the date of licensure the first time the license is renewed. ~~within the period immediately preceding the second annual license renewal date following the initial issuance of the license.~~

(~~i~~**j**) The ~~board~~**Board** may conduct an audit of any licensee's attendance at continuing education programs as a means of verifying compliance with this section.

(~~j~~**k**) As a condition of license renewal, all licensees are required to maintain current certification in cardiopulmonary resuscitation (CPR) from the American Red Cross, American Heart Association, or other association approved by the ~~board~~**Board**. Training required for the CPR certificate shall not be credited toward the requirements of subdivision (a). Exemptions will be made for licensees as the ~~board~~**Board**, in its discretion, determines were unable to maintain current CPR certification due to physical impairment, illness, incapacity, or other unavoidable circumstances.

Note: Authority cited: Sections 3023.1 and 3059, Business and Professions Code.
Reference: Section 3059, Business and Professions Code.